

REMARKS

Claims 1-31 are pending in the present application. Claims 1-31 stand rejected. By the present amendment, Applicants have amended Claims 1, 15 and 24. No new matter has been added by the amendments herein. Reconsideration of the present application in light of the present remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Independent claims 1 and 15 currently stand rejected under 35 U.S.C. §103 as being unpatentable over Barton in view of Rao. Additionally, independent claim 24 stands rejected under 35 U.S.C. §103 as being unpatentable over Barton in view of Rao and further in view of Chow.

The Examiner has recognized that Barton does not disclose figure-of-merit testing as claimed by Applicants. Similarly, Chow does not provide any disclosure of claimed figure-of-merit testing, nor has the Examiner suggested such. However, the Examiner has asserted that Rao discloses the currently claimed figure-of-merit testing, specifically citing col. 5 lines 8-39.

Applicants' attorney spoke with the Examiner in two separate telephone interviews on September 8 and October 8, 2004, to discuss the current rejections, proposed claim amendments and the cited prior art. Accordingly, Applicants' submit the proceeding proposed claims would overcome the Examiner's 35 U.S.C. §103 rejections and place the case in condition for allowance. Therefore, Applicants respectfully submit that, in view of the amendments to the claims, the Examiner's 35 U.S.C. § 103 rejections have been overcome. Accordingly, Applicants respectfully request that the Examiner's 35 U.S.C. § 103 rejections be withdrawn.

CONCLUSION

Applicants assert that this application is in condition for allowance. Early allowance is respectfully requested.

If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Dated: October 12, 2004
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, IL 60606-5096
312.372.2000

Respectfully submitted,
Patrick D. Richards
Patrick D. Richards
Reg. No. 48,905

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